

by affording opportunity for individuals to initiate settlements and rights under the land laws of the United States which will be superior to ours until the selections are made.

I call your attention to section 10 of the enabling act referred to and other sections of the same act relating to the same subject. See Art. IV. Is it the constitution seems to contemplate the creation of a board of land commissioners, whose duty it shall be to classify all public lands. It appears to me that this board should charged with the duty of making the selections provided for in section 10 of the enabling act above referred to. I may have occasion to make this matter the subject of a separate communication hereafter, but for the present make no other recommendations concerning the same, except that in any provision you may make for the sale or leasing of public lands belonging to the state, preference should be given to actual settlers, who good faith located upon school sections by post roads or who believe such preference would be given, may make valuable improvements upon the same.

These two classes of persons should be protected; the former for the reason that the failure of the general government to extend the public surveys made it impossible in many cases to distribute the land section from any point of action and the latter for the reason that the constitution adopted and ratified by the people in 1884, contained a provision similar to the recommendation above made and upon which numerous persons have relied and made settlements accordingly.

As it seems probable, the federal government shall ultimately adopt the establishment of a system of irrigation and the storage of water by means of reservoirs, no man can approximate the value of these lands in the state in the future. I make this observation to guard you against the demands of those, who eager to monopolize our lands, will doubtless be on hand to urge a hasty and inconsiderate disposition thereof.

SALE, RENTAL AND DISTRIBUTION OF WATER

One of the most salutary provisions in our declaration of rights, is that which makes all the water now appropriated or which may hereafter be appropriated for sale, rental, distribution or other beneficial purposes available for use. Undoubtedly you assume that you are invested with ample authority to provide by appropriate legislation, against excessive and extortionate charges by individuals, companies or corporations engaged in the sale, rental or distribution of water, and to prevent the unjust discrimination in the disposition of the same to the public. In my opinion the right of the state to regulate the subject should be asserted and maintained. I accordingly invite your attention to this matter as one worthy of your early consideration.

IRRIGATION.

Every person who is conversant with our climate and the character of our soil, must know that great possibilities await a general and comprehensive system of irrigation of our lands. I do not think the public is interested in the holding of a vast empire as a mere cattle range for the owners of large herds of stock. Upon the contrary, it will be a glad day for Montana when these interests shall be divided among the ranchmen in small lots. This will insure the proper feeding and shelter, and furnish employment to a large number of persons who must also be provided with the necessities of life, all of which will be conducive of a more general prosperity to the state. I therefore suggest that you memorize the subject and present it to the legislature, seeking the adoption of the geological survey, looking to the reclamation of our desert lands by a system of governmental irrigation by means of reservoirs, dams, etc.

CORPORATIONS.

The organization to carry on large enterprises has become a necessity in this and other states, the development of our resources, and the carrying forward of projects for the public good in many instances are of such magnitude and require an outlay of such large amounts of money that private capital cannot be induced to invest in them. They should be made available for the incorporation of such, but I condemn as bad legislation the existing statute, inherited from the territory, which permits every character of business and industry to become the subject of an incorporation, whereby the liability of the stockholders is limited. No one but a creditor is entitled to see the books of the corporation, and hence, dealing with such a concern in the first instance, is at a disadvantage. I recommend the modification of existing laws so that corporations may be formed for the following and such other purposes as may be considered proper and which shall be specifically provided for, and no other.

1. The support of public worship.

2. The support of any benevolent, charitable, educational or missionary undertaking.

3. The support of any literary or scientific undertaking; the maintenance of a library; or the promotion of painting, music or other fine arts.

4. The encouragement of agriculture and horticulture.

5. The maintenance of public parks, and of facilities for skating and other innocent sports.

6. The maintenance of a club for social enjoyment.

7. The maintenance of public or private cemetery.

8. The prevention and punishment of theft or wilful injury to property, and insurance against such risks.

9. The insurance of human life, and dealing in immunities.

10. The insurance of human beings against sickness or personal injuries.

11. The insurance of lives of domestic animals.

12. The insurance of property against marine risks.

13. The insurance of property against loss or injury by fire, or by any risk of inland transportation.

14. The transaction of a banking business.

15. The construction and maintenance of a railway, and of a telegraph line in connection therewith.

16. The construction and maintenance of a bridge.

17. The construction and maintenance of a telegraph line.

18. The establishment and maintenance of a line of stages.

19. The establishment and maintenance of a post office.

20. The building and navigation of steam-boats, and carriages of persons and property thereon.

21. The supply of water to the public.

22. The manufacture and supply of gas, or the supply of light or heat to the public by other means.

23. The transaction of any manufacturing, mining, mechanical or chemical business.

24. The transaction of a printing and publishing business.

25. The establishment and maintenance of an hotel.

26. The erection of buildings, and the accumulation and loan of funds for the purchase of real property; or,

27. The improvement of the breed of domestic animals, by importation, sale or otherwise.

28. The construction of canals and reservoirs, for conveying and storing water, and the boring of artesian wells.

THE SUPREME COURT.

I. Under the provision of sec. 3, art. 8, of the Constitution, the supreme court is empowered to summon a jury when required to determine an issue of fact. It will be necessary for the legislative assembly to prescribe by law the manner in which such jury shall be summoned. There is a statute which governs this contingency.

II. The legislature should provide that the same article, the legislative assembly should fix the times for holding the terms of the supreme court, or confer the authority upon the justices to regulate them. I think the number of terms should be increased to four, and that the legislature should designate one term, their names should be on separate tickets representing the party whose political principles they avowed, which might be taken into the voting place by the voter. I recommend this modification in the law. The present

elected by the votes of the people of the state. The fees allowed for his services should be revised, and when collected paid into the treasury. This officer should receive a salary.

CODE COMMISSION.

The important work of preparing the four codes authorized by the act of March 14, 1889, was committed to a commission which was required to report three of the codes to the next ensuing legislature. The commission has been industriously engaged in its work since the adoption of the state constitution, and has completed and filed with the secretary of state the "civil code." I am in receipt of a communication from the chairman of the commission under date of November 13, 1889, from which the following extract is made:

"The commission found it impossible to conclude the work contemplated by the act creating it, until after the creation of the state constitution, which was completed on the 1st day of August, 1889. Soon after that day the commission commenced its labors and has worked continuously ever since that time with the following result. We have completed and filed with the secretary of state the "civil code" which occupied all our time every day for nearly six months. We find the work of such a clear act that it can be hurried and well done. The code already completed might be much improved if we had more time to bestow upon it, but the act creating the commission requires three of the codes to be submitted to the next legislature. Probably it was in the contemplation of the legislature that authorized the creation of the code commission, the next legislature having the power to remove it, but the present election of the commission requires three of the codes to be submitted to the next legislature. We have quarantined the use of eastern catalogues.

"Our constitutions are to endure and the honor, integrity and prosperity of the state are to continue to be the hope and anchor of the citizen, the voice of the people expressed in the public documents of the best interest of the state should be far in excess of the requirements of the Indians, who are no longer able or compelled to live by the chase, but in every instance are the recipients of bounties from the government. The buffalo and wild game which once abounded upon these great reservations are practically extinct, and with their departure disappeared also the only reason for the maintenance of large areas of land for the occupancy of the Indians.

"We therefore suggest that the commission be given further time in which to complete its work.

"While it is desirable that this work shall be completed at the earliest practicable time, every consideration and sufficient time should be given to insure such thoroughness as will be a guarantee that the work when completed will be well done. I accordingly concur in the suggestion of the chairman of the code commission above referred to, and recommend that such further time be given to report, as may be deemed necessary.

INDIAN RESERVATIONS.

The largest Indian reservations within our borders which were set aside by the federal government, are reserved for the best agricultural lands and are far in excess of the requirements of the Indians, who are no longer able or compelled to live by the chase, but in every instance are the recipients of bounties from the government. The buffalo and wild game which once abounded upon these great reservations are practically extinct, and with their departure disappeared also the only reason for the maintenance of large areas of land for the occupancy of the Indians.

"We therefore hope that you will memorialize Congress to compel a speedy selection and acceptance of these lands by individual members of Indian tribes, and for an early restoration of the remainder to the public domain.

EXPLANATION OF CONSTITUTIONAL CONVENTION.

The \$30,000 appropriated by congress to defray the expenses of holding the late constitutional convention was found to be inadequate for that purpose. Additional clerk hire and other officers, including a stenographer and a stenographic report of the proceedings of the convention, was by resolution of the convention declared to be necessary to prevent the expense of the convention being wholly defrayed by the state, and only a small portion of the expenses of the convention were paid by the state.

To cover these extra expenses, the convention adopted the ordinance appropriating the following sum for the following purposes respectively, and declared the same to be charges against the state of Montana.

The item for the stenographic report is an approximation, but of course, is capable of being rendered certain when the report is filed:

PUBLIC EXAMINER.

Section 8 of article 7 of the constitution makes it your duty to provide for a state examiner and in addition to the duties specifically enjoined upon that official by the constitution, he is required to perform such other duties as the legislature may prescribe.

His compensation should also be fixed by law.

BOARD OF PARDONS.

The constitution has provided for a board of pardons, to consist of the governor, secretary of state and attorney-general. Before the power to pardon can be exercised, the legislative assembly must provide the time and place of meeting of the board, and regulate generally the procedure.

Some applications were pending at the time I qualified as governor, and several have been filed since that time. I have directed your attention specially to this subject with the hope that appropriate legislation may be speedily enacted.

HOMESTEAD AND EXEMPTIONS.

Homestead and exemption laws are the outgrowth of civilization, and in all enlightened communities there is a universal concurrence of sentiment in favor of making them broad and liberal. Society owes something to the wife and children, and the creditor who trusts the reckless and improvident ought not to be permitted to pursue the former to destitution. I therefore recommend that in obedience to the constitution, liberal homestead and exemption laws be enacted.

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